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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

NICHOLAS Ssebambulidde
SAMALIE NASZOZI

Plaintiff(s)



11-CV-05352-CMP

vs.

GROUP HEALTH
DR. PAULA SMITH
FRANCISCAN HEALTH SYSTEM

C11-5352 RBL
COMPLAINT

Defendant(s),

Parties to this Complaint:

Plaintiff's Name, Address and Phone Number

Nicholas Ssebambulidde, Samalie Nassozi
4622 South 73rd Street Ct.
Tacoma, WA 98409
253-353-0849

Defendant's Name, Address and Phone Number

Group Health, 209 Martin Luther King Jr. Way, Tacoma WA 98405. Tel. 253-596-3470

Defendant's Name, Address and Phone Number

Dr. Paula Smith, 209 Martin Luther King Jr. Way, Tacoma WA 98405. Tel. 253-596-3470

Summ not ISS'd/IFP

1 Defendant's Name, Address and Phone Number

2 Franciscan Health System, 1717 S. J Street, Tacoma WA 98405. Tel. 253-426-4101

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5 (If you have more defendants, list them using the same outline on another piece of paper.
6 Attach additional sheets, if necessary)

7 **Jurisdiction**

(Reason your case is being filed in federal court)

8 Both Group Health and Franciscan Health System operate beyond Washington State.

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11 **Statement of Claim:**

(State here as briefly as possible the facts of your case.)

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14 Duty owed:
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Statement of Claim

(continued):

While wife, Samalie, was pregnant with our second child Group Health (our health care provider), Dr. Paula Smith (Group Health) and St. Joseph's Hospital (Franciscan Health System) all undertook to perform a medical procedure on my wife. 1) Group Health failed to offer and facilitate a Vaginal Birth After C-section (VBAC) for my wife even though its offered right next door at Tacoma General Hospital. 2) Because of the failure to offer and cover a VBAC, we were coerced and forced into taking a tubal ligation medical procedure (a procedure Group Health covers at St. Joseph's Hospital), a decision we took, to prevent my wife from being pregnant ever again since we didn't want anymore c-sections. In plan were other procedures like a vasectomy on myself which at the time my wife said was unnecessary since, 3) Dr. Paula Smith of Group Health told us that the tubal ligation she was going to perform was permanent and irreversible. In fact Dr. Paula Smith asked us over and over again whether we didn't want any more children. We (my wife and I) both clearly told her that we are sure we didn't want no more children and we didn't want to subject my wife to any more c-sections. She then informed us that "she is going to perform a permanent procedure that was irreversible". Dr. Paula Smith schedule October 21, 2008 for the procedure and the birth of our child. Dr. Paula Smith carried out the procedure and told us it all went well. We had no reason to doubt an iota of what she said. A little after over a year (about 18 months later), my wife started complaining about morning sickness. May be the unthinkable has happened she joked. I told her that wasn't even close to being true. But the dreaded moment surfaced that the failed service delivery by Group Health, Dr. Paula Smith and the Franciscan Health System to my wife resulted into an unexpected wrongful conception.

Duty breached:

Clearly the failure of Group Health, Dr. Paula Smith, and the Franciscan Health System to meet their respective relevant standard of care for my wife evidenced by our third child demonstrates that a duty was breached. 1) The failed service delivery led to a failed forced-onto-us tubal ligation which as we were told that the procedure was permanent and irreversible and that my wife will never conceive again. The evidence of our third child shows the reverse. 2) We were lied to and forced to buy into a procedure that not only endangered the life of my wife but has since distressed us emotionally, financially and otherwise changed our family forever.

Breach caused an injury:

The failed service delivery as well as the failed "permanent and irreversible" tubal ligation procedure exposed my wife innumerable risks. Permanent and irreversible is burden we have born through the challenges of this unplanned, unexpected high risk pregnancy. My wife profusely bled during the third c-section. It took the doctor up to four hours to stabilize her and make sure the bleeding stopped. This and the immeasurable burden on our family, physically, emotionally and financially are a result of what happened on October 20, 2008.

Untold damage occurred:

Because of the failed procedure we had lost earnings because my wife lost a lot of time at work and I had to stay home to take care of our kids. This began a chain reaction of financial events in our family including almost losing our home to foreclosure. We had extended medical expenses and hospital bills for my wife and now with the newborn later on the needs of this new born. My wife still experiences bouts of pain from the incision especially when she stands for extended periods. We have gone through a lot of pain and emotional distress, and loss of consortium where my wife could not perform certain duties like homemaking or even giving our kids showers because of the incision. There is a heavy financial burden exerted on our family budget trying to make ends meet for our three little children. The failed procedure also broke the trust we had in our health providers and other service providers in our family. We can't trust now.

Relief:

(State briefly exactly what you want the court to do for you)

First, I want this court to order the defendants to pay all the court fees related to this case and also pay damages to my family resulting from this failed procedure. Secondly, stop the defendants from superimposing procedures on anyone because they don't want to cover what the patient wants that is readily available but with another provider.

Jury Demand:
(Optional)

Samalie Nassozi, Nicholas Ssebambulidde

Apr 29, 2011

Date

Samalie Nassozi *Nicholas Ssebambulidde*

Signature of Plaintiff